

SENATE BILL No. 364

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-25-5-16.

Synopsis: Voluntary compliance certificate of completion. Requires the commissioner of the department of environmental management to issue a certificate of completion under the voluntary remediation program if an applicant presents to the commissioner a letter of certification from a qualifying insurance company that the applicant has substantially complied with the program. Directs the department of environmental management to issue a guidance document establishing the requirements for qualification as a qualifying insurance company and for showing substantial compliance with the program.

Effective: July 1, 2001.

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January 18, 2001, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 364

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-25-5-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) If the
3 commissioner determines that an applicant has successfully completed
4 a voluntary remediation work plan approved under this chapter, the
5 commissioner shall certify that the work plan has been completed by
6 issuing the applicant a certificate of completion.

7 (b) The issuance of a certificate of completion under this section is
8 a final agency action for purposes of IC 4-21.5.

9 (c) A person who receives a certificate under this section shall
10 attach a copy of the certificate to the recorded deed that concerns the
11 property on which the remediation took place.

12 (d) **The department shall, after consultation as provided in**
13 **subsection (e), issue a guidance document that:**

14 (1) **establishes the requirements for qualification as a**
15 **qualifying insurance company for purposes of subsection (f),**
16 **which must include the minimum requirements that the**
17 **insurance company:**



- 1 (A) has an A.M. Best rating of A5 or better; and
- 2 (B) is able to ensure that environmental documents are
- 3 consistent with:
- 4 (i) state law; and
- 5 (ii) standards of the department; and
- 6 (2) establishes the requirements that a letter of certification of
- 7 a qualifying insurance company must satisfy to show that an
- 8 applicant has substantially complied with this chapter for
- 9 purposes of subsection (f).
- 10 (e) Before the department issues a guidance document under
- 11 subsection (d), the department shall, with respect to the contents of
- 12 the guidance document as described in subsection (d), consult with:
- 13 (1) the department of insurance;
- 14 (2) the Indiana development finance authority; and
- 15 (3) a representative group of stakeholders from the
- 16 brownfield industry.
- 17 (f) If an applicant presents to the commissioner a letter of
- 18 certification from a qualifying insurance company that the
- 19 applicant has substantially complied with this chapter, the
- 20 commissioner shall issue a certificate of completion to the
- 21 applicant.

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